



Federal Emergency Management Agency

Region VII
911 Walnut Street, Room 300
Kansas City, MO 64106



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SUPERFUND RECORDS

JAN 12 1988

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MEMORANDUM FOR: Morris Kay, Regional Administrator
U.S. Environmental Protection Agency

JAN 13 1988
REGIONAL ADMINISTRATOR

FROM: J.D. Overstreet, Regional Director

SUBJECT: Radioactive Fill - Hazelwood, Missouri
MO-E.O.11988

I am writing you to express a concern I have over the continuing situation of the placement of radioactive fill in the floodway of Coldwater Creek in the City of Hazelwood, Missouri. While this Agency's initial concern was for the violation of the Coldwater Creek floodway, based on the fact it is a regulatory designated floodway and, therefore, a no rise in flood heights provision exists, that issue alone is not the sole basis for our concern. We are also concerned about the impact of the placement of the fill in a Superfund context. In meeting with staff of your Agencies held in late November 1987, and early to mid December 1987, the matter of hazardous material in the flood plain, as well as in the floodway was raised and the prohibition of same by the City of Hazelwood's own ordinance, as well as this Agency's regulations, was cited on more than one occasion.

Now, I must bring to your attention the provisions of Executive Order 11988 and raise a concern as to your Agency's actions in the Hazelwood matter in relation thereto. As you are aware, E.O. 11988 is the culmination of a continuing concern about; 1) unacceptable and increasing flood losses, and 2) degradation of natural and beneficial values. It addresses the actions to be taken by federal agencies to "reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare and to restore and preserve the natural and beneficial values served by flood plains..." It defines action as "any Federal activity including...conducting Federal activities and programs affecting land use including, but not limited to water and related land resources planning...(Part 1, Section 1)"

Further, the Executive Order directs Federal agencies to "assert leadership in reducing flood losses and losses to environmental values served by flood plains...and avoid actions located in or adversely affecting flood plains unless there is no practicable alternative."

In a document published last year at the request of OMB, an Inter-Agency Task Force on Flood Plain Management cited "Further Advice on Executive Order 11988 Flood Plain Management". Sections D and

E discuss unwise and critical actions related to flood plain usage, among which are storing highly volatile, toxic or water reactive materials in the flood plain, and actions that would impact on human safety, health and welfare. The report states that "the storage of hazardous materials or hazardous waste is clearly a critical action...". Further, it states "there is no basis for storage of hazardous materials below the elevation of the 100-year flood even if there are plans to remove the material prior to a flood."

The action taken in Coldwater Creek floodway by Hazelwood, Missouri with the knowledge and/or concurrence of your Agencies would seem to violate the letter and spirit of E.O. 11988.

I am requesting you review your Agencies actions in the Coldwater Creek matter and provide me with an account of your Agencies actions, vis-a-vis, E.O. 11988 to date, and those you intend to follow in regard to this situation.

Since there seems to have been a federal involvement in this matter by your Agency since the inception of this problem, I believe it will be beneficial for us all to understand the basis for your past, and current involvement, as this Agency moves for a resolution of the problem.